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Convention on Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-first session
22 October–9 November 2018
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of the Congo

General

1. The referendum in 2015 and the elections in 2016 went hand in hand with security operations against opposition leaders and supporters in the State party. Actions of non-State militias affected the security situation, especially for women and girls. Concerned at reports of mass arrests and torture in detention, bombardments, killings and the displacement of thousands of people from the Department of Pool, the Committee invites the State party to provide information on those events and their impact on women and girls. Please provide information on the mechanisms in place and measures taken to address the danger of the ongoing ethnicization and regionalization of politics for the lives of women and girls, especially those in disadvantaged situations in particularly affected areas of Brazzaville, internally displaced women, migrant, refugee and asylum-seeking women, rural, older and indigenous women and women with disabilities.

2. Please inform the Committee of the impact of the decrease in oil prices and production, the diversion of State funding and the drastic reduction of the national budget on the provision of health services, education, agricultural development, social security benefits and other social services provided to women and girls, as well as on the access of women to justice. Please also indicate the measures taken to mitigate the impact in all regions, as well as to ensure good governance and combat corruption, with the aim of benefiting women and girls.

Legislative framework and access to justice

3. Considering that the State party ratified the Convention in 1982, committed itself, in the first and second cycles of the universal periodic review process, in 2009 and 2013, to undertaking the legislative revisions and received support in that regard from the European Union, please explain the delays in the adoption of the codes

Please recycle

mentioned in its seventh periodic report (CEDAW/C/COG/7, para. 14),[1] in the revision of discriminatory laws and in the adoption of a definition of discrimination that includes direct, indirect, intersecting and multiple forms of discrimination, in compliance with articles 1 and 2 of the Convention. Please also provide a timeline for the adoption of those revisions.

4. In view of the barriers facing women in terms of access to justice (paras. 22-23) and the reports of corruption in the justice system, please provide information on the measures taken to initiate institutional reform and support the access of women to justice, including by providing legal aid, accelerating administrative procedures, introducing regular criminal court hearings and building the capacities of judicial actors. Please also provide information on the steps taken to replace traditional courts (para. 26) with judicial institutions led by the State and to introduce witness protection programmes. Please further provide information on cases in which the Convention has been invoked before the courts and on the number and the outcome of cases of discrimination against women.

National machinery for the advancement of women

5. Please provide detailed information on the financial resources allocated for gender equality-related matters to the Ministry for the Advancement of Women and the Integration of Women in Development and to its civil servants working in general directorates, central directorates and departmental administrations. Please also provide information on the responsibilities of the Women's Advisory Council and the Gender Observatory and on the mechanism in charge of gender mainstreaming in all ministries and government bodies, including how this mechanism functions and the measures taken to reinforce gender mainstreaming. Please further provide information on the status of the revision of the national gender policy and provide a time frame for the adoption of the new strategic framework for gender equality.

Civil society organizations and women human rights defenders

6. Please inform the Committee of the measures taken to ensure an enabling environment in which civil society and women's rights organizations can operate freely and to prevent the collective harassment, intimidation and forceful repression of social movements. Please also describe the legal requirements for the registration and operation of non-governmental organizations, including those relating to women's rights. Please indicate the measures taken to ensure the diversity and independence of civil society organizations and freedom of expression for all sectors of society.

National human rights institution

7. Please provide information on the measures taken to bring the National Human Rights Commission into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular with regard to its independence and allocated resources, and describe its activities and mandate in relation to gender equality.

Stereotypes and harmful practices

8. Please indicate the time frame for the adoption of provisions prohibiting and punishing female genital mutilation, polygamy, abusive widowhood rites and forced marriages, which include child marriages, marriages that involve dowry payments or

[1] Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party.

bride prices, levirate marriages and "pre-marriages". Please also provide data on those practices and information on the measures taken to protect women and girls at risk of falling victim to harmful traditional practices. Please inform the Committee of the advancements made in the adoption of a comprehensive strategy to eliminate such practices.

Gender-based violence against women

9. Please provide data on gender-based violence against women in the State party, including on domestic violence, marital rape, sexual harassment, violence relating to suspicions of witchcraft and violence against indigenous women and girls, and information on the measures taken to improve data collection. Please also provide information on complaints, prosecutions, convictions and sentences imposed with regard to cases of gender-based violence. Please inform the Committee of the measures taken to guarantee that sentences are commensurate with the gravity of the offence, in particular with regard to rape. Please provide information on the prosecution of and sanctions for rape and the impact of the reported redefinition of rape as a minor offence owing to the large number of cases. Please also provide information on reported cases of sexual violence by State agents, including their number and type, and on the sanctions imposed. Please further provide information on the shelters and services available for victims and on the introduction of a referral system regulating the interaction between specialized support services. Lastly, please inform the Committee of the content of the draft bill on gender violence (para. 15) and the draft strategy to combat gender-based violence (para. 52) and indicate the time frames for their adoption.

Trafficking and exploitation of prostitution

10. Please indicate the content of the bill on trafficking in persons, which was validated on 30 July 2013, and provide a time frame for its adoption. Please provide information on obstacles to the implementation of the Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa (para. 69).

11. Please inform the Committee of the measures taken to support women and girls in prostitution, those who wish to leave prostitution and those who are victims of exploitation in prostitution, including through human, technical and financial support to the associations mentioned in paragraphs 73 and 74. Please also provide details on the resources allocated to and the beneficiaries of programmes for women and girls who are vulnerable to exploitation in prostitution, including because of poverty, in the framework of the national gender policy (para. 77).

Participation in political and public life

12. The State party indicated that the Electoral Act had been amended to raise the quota for women candidates in legislative and local elections from 15 to 30 per cent. Please indicate whether more efficient measures are planned in view of the continuing underrepresentation of women in Parliament, at 11.26 per cent in the National Assembly and 19.72 per cent in the Senate. Please also provide information on the measures planned to address the underrepresentation of women in sub-prefectures, as mayors, in ministerial and decision-making positions, at high levels of the civil service, in the judiciary, in particular the highest courts, and at the international level (para. 83). Please indicate the reasons for the delays in the adoption of the bill on parity, provide information on the scope of and modalities planned for its implementation, provide a timeline for its adoption and describe measures to include indigenous women in the political process.

Women and peace and security

13. Please provide information on the measures taken to reinforce the participation of women in formal and informal conflict prevention and resolution, including in operations against militias operating in Brazzaville and in political dialogues, such as Dolisie in 2013, Sibiti in 2015 and Ouésso in 2017. Please also indicate the steps taken to adopt a national action plan for the implementation of Security Council resolution 1325 (2000), in line with the decision taken in Brazzaville on 12 November 2017, at a tripartite meeting including the Minister for the Advancement of Women and the Integration of Women in Development.

14. Please provide information on targeted measures taken to protect women and girls from violence, including gender-based and sexual violence, in the context of the tense security situation so as to ensure that the entrenched situation of discrimination against them is not further exacerbated and to guarantee that women and girls who are victims have access to justice, redress and assistance, in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations. Please also provide information on the number and region of beneficiaries of training on the provision of medical and psychological support to women who are victims of sexual violence in times of conflict (para. 61).

Nationality

15. Please clarify the situation with regard to the ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (para. 122), considering that the depositary has not recorded the State party as being among the countries that have ratified those conventions. Please also explain the delay in the revision of the law on nationality in order to allow women to transmit their Congolese citizenship by marriage and descent under the same conditions as men and provide a timeline for the revision. Please also indicate the proportion of non-registered births and the efforts made to ensure universal birth registration.

Education

16. Please provide data, disaggregated by sex, age, region and rural and urban areas, on access to and completion of primary, secondary and tertiary education, on school dropout rates, on scholarships and on pregnant girls in school. Please provide information on the number of functioning literacy centres throughout the country, the number of women and girls who are beneficiaries thereof and the human, technical and financial resources allocated to those centres and explain how they complement existing educational institutions. Please also provide information on the measures taken to overcome the difficulties identified in access to scholarships (para. 176), the high failure rates (para. 180) and the gender-related differences in dropout and enrolment rates (paras. 181–182), especially with regard to indigenous girls. Please further provide information and data on the reintegration into the school system of girls who have dropped out, on efforts to integrate girls who have dropped out into employment and, in particular, on the number of girls trained by associations (para. 91), as well as on the support granted to those associations by the State party.

Employment, economic empowerment of women and economic and social benefits

17. Please provide information on the measures taken to support women seeking employment, including through training, career counselling and recruitment procedures, given the challenges outlined (para. 98), and indicate the number of beneficiaries. Please also provide data, disaggregated by sex, age and urban and rural areas, on formal and informal employment, including the number of women who are

taxi drivers, domestic workers and artisanal designers who have access to the National Social Security Fund (para. 100), and on the measures taken to guarantee the access of women working in other informal professions to the Fund. Please also provide information on the measures taken to provide women working in the informal sector with access to other social benefits and on support provided for the creation of economic initiatives for women and guarantees for their continuity.

18. Please indicate the measures taken to guarantee that family allowances are paid to men and women alike. Please also provide information on the time frame for the ratification of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Health

19. Please provide data on the access of women and girls to improved sanitation and health-care facilities, disaggregated by urban and rural areas, and information on the measures taken to reduce the barriers facing women in gaining access to health care, including sociocultural factors (para. 105), and improved sanitation facilities. Please also provide data, disaggregated by urban and rural areas and ethnicity, on the access of women and girls to contraception and their use thereof and inform the Committee of the measures taken to promote the use of contraception, including by granting financial support. In view of the high maternal mortality rate, which is partially due to unsafe abortion, please inform the Committee whether the State party plans to decriminalize abortion in all cases and provide a corresponding time frame therefor. Please provide information on the measures taken to prevent the transmission of sexually transmitted infections, including HIV, to guarantee the access of women to gynaecological care in case of unsafe abortions and to integrate lessons on sexual and reproductive rights into school curricula (para. 109).

Rural and indigenous women

20. Please provide information on the measures taken, such as reinforcing human, technical and financial resource allocations, to guarantee the provision of good-quality health and educational services and access to improved sanitation infrastructure for all women and girls living in rural areas, including indigenous, migrant and refugee women and girls, in particular those in Likouala Department. Please also indicate whether and how rural women, including those in Likouala Department, are included in initiatives for economic empowerment, such as the Lisungi Safety Nets System Project. Please provide information on targeted measures taken to support rural and indigenous women who have lost access to land cultivated by them owing to a lack of formal recognition of their entitlement to such land and to provide them with compensation for damage and alternative income-generating activities (paras. 115–116).

Internally displaced, asylum-seeking and refugee women and girls

21. Please provide information and data on the situation of internally displaced women and girls, indicate whether provisions on internally displaced persons will be added to the draft asylum law and specify a time frame for the adoption of the law. Please indicate whether the State party grants protection to women seeking asylum on the basis of gender-related forms of persecution and what measures are taken to assist them, in particular women who are victims of sexual violence and other forms of abuse, as well as to train professionals on a gender-sensitive process for determining refugee status. Please provide information on the measures taken to enhance security and protect female refugees and asylum seekers from violence, including sexual violence, to prosecute such acts and to guarantee the adequate provision of rape kits and HIV testing kits in refugee camps. Please further indicate

the number of women and girls among the 130,000 persons expelled to the Democratic Republic of the Congo and provide information on the review of the cases involving them.

Marriage and family relations

22. Please indicate the reasons for the delay in the revision of discriminatory provisions relating to harmful practices with regard to family and marriage, including those allowing pre-marriage and those on the minimum age of marriage, on the choice of the residence of the family by the husband in the absence of a mutual agreement, on the lawfulness of polygamy, on giving parental authority to the father, on the sanctions for adultery, in particular the disproportionate sanctions imposed on women, and on requesting a waiting period for women to remarry after divorce. Please also indicate whether the revision of those provisions is prioritized and the time frame for their revision. Please further elaborate on the measures taken to eradicate the practice of levirate, in addition to customs and traditional practices that prevent widows from inheriting property.

Optional Protocol and amendment to article 20 (1) of the Convention

23. Please clarify the situation with respect to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee (paras. 131–132), considering that the depositary has not received information in this regard, and provide timelines for their adoption.